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New Secrecy Law Is Sought by U.S.

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A Justice Department official testified yesterday that a new law making it a crime to disclose a classified document—but not permitting the accused to defend himself on grounds of misclassification—is vitally needed for U.S. security.

Kevin T. Maroney, deputy assistant attorney general for internal security, told a Senate Judiciary subcommittee that the government will be forced to abandon criminal prosecutions if future defendants are permitted to contest the validity of secrecy classifications at their trials.

The government secrets proposal, part of a massive study leading to revision of the entire code of federal criminal laws was sharply debated in its first airing before a congressional committee.

Sen. Roman L. Hruska (R-Neb.) joined Maroney in defending the proposal, but Sens. Philip A. Hart (D-Mich.) and Marlow W. Cook (R-Ky.) attacked key provisions. So did Jack C. Landau, a reporter for the Newhouse newspaper

chain and chairman of the Reporters Committee for the Freedom of the Press.

Maroney said the entire purpose of the government's classification system could be frustrated if federal prosecutors are forced to justify the secrecy stamps on documents at criminal trials. This would require divulgence of the documents and the intelligence data supporting the need for secrecy, he said.

Hart said the proposal threatened to increase government power to limit the flow of information just at a point in history when the need to curb censorship had been dramatized in the Pentagon Papers and Watergate cases.

Maroney said federal civil servants who were disturbed about over-classification of documents should take their case to department heads and a special presidential inter-agency information committee established by President Nixon to combat excessive security stamping.

An employee who chooses this route "will get a fair determination of whatever his complaint may be," said Maroney. "Perhaps in one out of a thousand situations he might not get a fair ruling."

Cook said he didn't draw the same comfort from the executive order, which threatens a reprimand to any official who "repeatedly" abuses the classification system.

Landau charged that the department was trying to obtain "new and unprecedented criminal censorship powers against the press" with its requests for new espionage and classification laws. Maroney said that except for the classification

department was not seeking any new law. Citing confusing sections of security law, Hart said he

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